IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION (LODGING) NO.942 OF 2005

Akash Dahiya — Petitioner

versus

Narsee Monjee Institute of Management Studies — Respondents

Manish Mestry i/by M.M.Vashi for petitioner.

D.V.Merchant i/by S.K.Srivastava & Co. for respondents.

CORAM : H.L.GOKHALE AND S.C.DHARMADHIKARI, JJ.

DATE : 13th April 2005

PC :

1. Mr.Mestry is present for the petitioner and Mr.Merchant appears for respondent no.1. Rule. Rule made returnable forthwith.

2. Petitioner is concerning cancellation of petitioner's admission to two years full time MBA course in respondent no.1 deemed university. The cancellation has come up for the reason that the

petitioner did not have the necessary qualifications as required for admission to this course. The qualifications are to be reflected in the documents to be presented at the time of admission. That required proof of passing the degree examination with 50% marks. Petitioner did not produce the necessary documents at the time of admission though he produced the same at a later point of time. The University proceeded to cancel the admission since they were not satisfied with the documents that were tendered.

3. We have been taken through the documents relied upon by the petitioner and it appears that though there are different documents of different institutions produced by the petitioner, he does have the requisite 50% marks at the graduation level. We have perused the reply filed by the respondents. We quite see the circumstances as to why they proceeded to take the impugned action. But having gone through the documents produced by the petitioner, we are satisfied that it would not be proper to discontinue the education of petitioner for the reason for which his admission has been cancelled. In the circumstances we allow this petition and set aside the order passed by respondents cancelling

his admission. Petitioner will be permitted to continue his studies for two years course of MBA hereinafter. Rule made absolute in above terms without any order as to costs.

(H.L.GOKHALE, J.)

(S.C.DHARMADHIKARI, J.)